

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

159T0288

SENATE BILL NO. 62

Introduced by: Senators Gray, Lederman, Maher, Nelson (Tom), Nygaard, and Rave and
Representatives Solum, Greenfield, Hawley, and Rozum

1 FOR AN ACT ENTITLED, An Act to allow certain alcoholic beverage licensees to charge a
2 corkage fee for serving wine supplied by customers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 35-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 35-1-5.6, an on-sale licensee may permit a customer
7 to bring a bottle of wine onto the licensed premises for consumption by the customer while
8 eating a meal that was prepared by the licensee and that was served at a table on the licensed
9 premises. The licensee may charge a corkage fee for serving wine supplied by a customer. The
10 customer may carry out the unconsumed portion of the bottle of wine if the original or a similar
11 type of cork is reinserted in the bottle by the licensee, and the cork can only be removed by a
12 corkscrew or other similar device, or the bottle is sealed by the licensee in such a way that the
13 bottle cannot be opened without breaking the seal. A bottle of wine that is corked or sealed as
14 provided in this section is not a violation of the provisions of § 35-1-9.1 if the cork or the seal
15 has not been disturbed.

